

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

---

**IN RE PEPSICO, INC. AND  
THE COCA COLA COMPANY,  
INC. CONSUMER CLASS  
ACTION LITIGATION**

---

MDL Docket No. \_\_\_\_\_

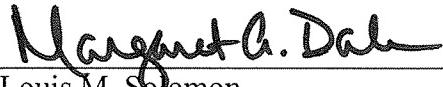
**REASONS WHY ORAL ARGUMENT SHOULD BE HEARD**

Pursuant to Rule 16.1(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, PepsiCo, Inc. and The Pepsi Bottling Group, Inc. (collectively, the “Movants”) respectfully submit this statement in support of oral argument on the pending Motion to Consolidate and Transfer, dated September 27, 2007 (“Motion”). In the event that the Motion is opposed by one or more parties, oral argument will afford the Panel the opportunity to question the parties concerning the rationale for their positions, and will afford the parties the opportunity to amplify the arguments made in their respective papers. In addition, oral argument will allow the litigants to report and explain to the Panel the extent and significance of any developments subsequent to the briefing of the Motion. As set forth in the accompanying Memorandum of Points and Authorities in Support of Motion to Consolidate and Transfer, the Movants expect that additional cases will be filed in the coming months centering around substantially the same set of facts.

Under these circumstances, the Panel's decisional process would be significantly aided by oral argument.

Dated: September 27, 2007

Respectfully submitted,



---

Louis M. Solomon  
Margaret A. Dale  
Michael S. Lazaroff  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036-8299  
Telephone: (212) 969-3000  
Facsimile: (212) 969-2900  
*Attorneys for PepsiCo, Inc., and  
The Pepsi Bottling Group., Inc.*